Remarks

Upon entry of the foregoing amendment, claims 1, 5-7, 9, 13, 14, 16, 18, 21, 25-28, 30, 32-38, 40-42, 44-47, 50, 51, 53, 54, 57, 60, 63-72 and 75-89 are pending in the application, with 1, 27, 41, 63, 75 and 78 being the independent claims. Claims 33, 53, 65, 79 and 80 are sought to be amended. Claims 33 and 65 have been amended to clearly indicate that Herceptin® is a registered trademark for a pharmaceutical composition comprising trastuzumab and that Rituxan® is a registered trademark for a pharmaceutical composition comprising rituximab. Claim 53 has been amended to clarify the fact that A is optionally substituted C_{6-14} aryl. In claims 79 and 80, the term "napthyl" has been amended to "naphthyl" to correct an obvious typographical error. Claims 84-89 are sought to be added. Support for new claims 84-89 can be found, *inter alia*, at page37, line 24, through page 38, line 7, and in claim 28, of the application as filed. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

I. Interview Summary

Applicants note with appreciation the telephonic interview between the Examiner and Applicants' representative, Michele Cimbala, on July 6, 2002. Ms. Cimbala informed the Examiner that a shortened statutory period for reply to the Office Action mailed on July 12,

2002, had not been set. The Examiner informed Ms. Cimbala that the Examiner would send out a miscellaneous letter indicating that the shortened statutory period of response to this Office Action would be three months. *See* PTO Prosecution File Wrapper Paper No. 16, mailed on July 23, 2002 (wherein the shortened statutory period for reply to the Office Action mailed on July 12, 2002, was set at three months and Applicants were required to provide a separate record of the substance of the interview).

II. The Restriction Requirement

A. Claims 6, 7, 9, 13, 14, 16, 18, 21, 25, 46, 47, 50, 51, 53, 54, 57, 59 and 60

In the present Office Action (*see* page 2, lines 2-10) the Examiner reiterates and extends the restriction requirement of PTO Prosecution File Wrapper Paper No. 7 (*see* page 2, line 7, through page 3, line 8). The revised restriction requirement implies that claims 6, 7, 9, 13, 14, 16, 18, 21, 25, 46, 47, 50, 51, 53, 54, 57, 59 and 60 are not within the scope of Applicants' elected invention. Claim 59 has been canceled.

Applicants note with appreciation the telephone discussion between the Examiner and Applicants' undersigned representative on September 10, 2002. During the course of this discussion, the Examiner accepted Applicants' argument that the relevant compound in each of claims 6, 7, 9, 13, 14, 16, 18, 21, 25, 46, 47, 50, 51, 53, 54, 57 and 60 is an indolopyran. Therefore, each of these claims is within the scope of Applicants' elected invention. The Examiner stated that she would rejoin claims 6, 7, 9, 13, 14, 16, 18, 21, 25, 46, 47, 50, 51, 53, 54, 57 and 60 for prosecution in this application. The Examiner further stated that, in the

event that any of the pending claims continue to be objected to or rejected, the next Office Action would be a non-final Office Action.

B. The Definition of Z

Applicants note with appreciation the Examiner's statement that "[t]he examiner agrees with the applicant that it would not change classification to revise group I to include compounds where Z is NR8R9 wherein R8 and R9 are independently H or C1-4alkyl, therefore the restriction is revised according such that group I includes these moieties." Office Action, page 2, lines 10-14.

III. Reiterated Rejection under 35 U.S.C. § 112, First Paragraph

Claim 28 was rejected under 35 U.S.C. § 112, first paragraph, for "reasons of record at paper no. 12." (Office Action, page 3, lines 3-4). Applicants respectfully traverse this rejection.

Specifically, the Examiner is of the opinion that:

> [T]he specification, does not reasonably provide enablement for the method of treating all of the various cancers. No drug can treat all of these cancers. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The claims as recited are broader than the scope of enablement.

(Office Action, page 3, lines 4-9). Applicants respectfully disagree.

Applicants respectfully assert that a comprehensive reply to this rejection was presented in the previous Amendment and Reply that was filed on April 25, 2002 (PTO Prosecution File Wrapper Paper No. 13C) the contents of which are entirely incorporated by reference herein (*see* page 16, line 8, through page 21, line 16).

In Paper 13C, Applicants cited several publications that support Applicants' position that the practice of the invention is enabled. In the present Office Action, the Examiner has not addressed Applicants' arguments and the cited publications. Thus, the Examiner has not met her burden of establishing that the claimed invention is not enabled. Applicants respectfully request that the Examiner reconsider the arguments presented in Paper No. 13C, and that the rejection of claim 28 under 35 U.S.C. § 112, first paragraph, be withdrawn.

III. Objections to the Claims under 37 C.F.R. § 1.75

Claim 41 was objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 66. Office Action, page 4, lines 17-18. Similar objections were made to claims 66-72. *See* Office Action, page 5, line 1, through page 6, line 13. These objections are summarized in the following table.

Claim Objected To:	In View of Claim:
41	66
66	67
67	66
68	69
69	68
70	69
71	41
72	41

In support of these objections, the Examiner cites MPEP § 706.03(k) for the proposition that:

> When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim.

(*See, e.g.*, Office Action, page 4, lines 18-21). Applicants respectfully disagree with the Examiner's analysis and conclusions.

Claim 41 is directed to a pharmaceutically composition. Claims 66, 68, 71 and 72 depend from claim 41. Claim 67 is dependent upon claim 66; claim 69 is dependent upon claim 68; and claim 70 is dependent upon claim 69. In normal claiming fashion, each of claims 66-72 adds significantly different, substantial limitations upon the subject matter of the respective claim from which each depends. For example, claim 66 is directed to:

> 66. The pharmaceutical composition of claim 41, wherein said excipient or carrier is selected from the group consisting of saccharides, starch pastes, gelatin, tragacanth, cellulose preparations, calcium phosphates and polyvinyl pyrrolidone.

Claim 66 is directed to a specific group of excipients or carriers. Thus, claim 66 is of different scope than claim 41. It follows that claims 66 and 71 are not duplicates or substantial duplicates of each other. Similar analyses demonstrate that all of claims 41 and 66-72 are of different scope. It follows that none of claims 41 and 66-72 is a duplicate or a substantial duplicate of another claim.

Applicants respectfully submit that this objection to claims 41 and 66-72 under 37 C.F.R. § 1.75 is improper and should be withdrawn.

IV. Rejections under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 1, 5, 26, 30 and 79 under 35 U.S.C. § 112, first paragraph, for lack of enablement. Office Action, page 6, lines 20-21. Applicants respectfully traverse this rejection.

Specifically the Examiner is of the opinion that:

> [T]he specification, does not reasonably provide enablement for the method of treating all inflammation diseases or cancers related to a disorder responsive to the induction of apoptosis in an animal suffering therefrom or all drug resistant cancers, or R10 and R11, or R11 and R12 of the compound in claim 46 coming together to form all heteraryl or optionally substituted heterocyclic groups. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The claims as recited are broader than the scope of enablement.

(Office Action, page 6, line 21, through page 7, line 5). Applicants respectfully disagree.

A. The treatment of a drug resistant cancer

With regard to claims 1, 5, 26, 30 and 79, none of these claims is expressly directed to the treatment of "cancer" *per se*. Claim 30 is directed to the treatment of a drug resistant cancer. As discussed in section III, above, that the specification does enable the use of the claimed methods for the treatment of cancer. It is known by those of ordinary skill in the art that compounds inducing apoptosis are of particular utility in the treatment of drug resistant cancer. *See, e.g.*, the specification at page 3, line 18, through page 3. Therefore, Applicants respectfully submit that claim 30 is fully enabled.

The Examiner's arguments regarding this rejection can be found in the Office Action at page 7, line 6, through page 8, line 7. However, the Examiner's arguments are extremely general and misdirected. For example, "the treatment of all diseases responsive to the induction of apoptosis in an animal with a compound of formula I" (Office Action, page 7, lines 18-19) is *not* being claimed. The Examiner has not presented evidence or sound scientific reasons why one of ordinary skill in the art would believe that claim 30 is not fully enabled. Therefore, the Examiner has not established a *prima facie* case for the rejection of claim 30 under 35 U.S.C. § 112, first paragraph.

B. The treatment of inflammation

With regard to claims 1, 5, 26, 30 and 79, independent claim 1 and dependent claims 5, 26 and 79 are directed to a method for treating (*inter alia*) inflammation. The treatment of inflammation is discussed in the specification, *inter alia*, at page 43, lines 7-21.

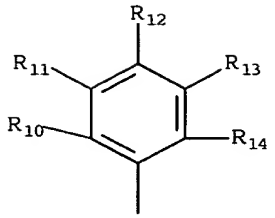
The administration of the compounds of the present invention is discussed, *inter alia*, at page 43, line 22, through page 47, line 31. Therefore, Applicants respectfully submit that claims 1, 5, 26 and 79 are fully enabled.

The Examiner's arguments regarding this rejection can be found in the Office Action at page 7, line 6, through page 8, line 7. However, the Examiner's arguments are extremely general and misdirected. For example, "the treatment of all diseases responsive to the induction of apoptosis in an animal with a compound of formula I" (Office Action, page 7, lines 18-19) is *not* being claimed. The Examiner has not presented evidence or sound scientific reasons why one of ordinary skill in the art would believe that claims 1, 5, 26 and 79 are not fully enabled. Therefore, the Examiner has not established a *prima facie* case for the rejection of claims 1, 5, 26 and 79 under 35 U.S.C. § 112, first paragraph.

C. R_{10} and R_{11} or R_{11} and R_{12}

The Examiner is of the opinion that the specification does not reasonably provide enablement for "R10 and R11, or R11 and R12 of the compound in claim 46 coming together to form all [heteroaryl] or optionally substituted heterocyclic groups." *See* Office Action, page 6, line 21, through page 7, line 2. Applicants respectfully disagree.

Claim 46 is dependent upon claim 41. In claim 41 the group "A" is defined as "optionally substituted C_{6-14} aryl." Claim 53 is dependent upon claim 46. In claim 46, as amended, A ("said optionally substituted C_{6-14} aryl") is:



and

(a) R_{10}-R_{14} are independently hydrogen, halo, haloalkyl, aryl, fused aryl, carbocyclic, a heterocyclic group, a heteroaryl group, C_{1-10} alkyl, alkenyl, alkynyl, arylalkyl, arylalkenyl, arylalkynyl, heteroarylalkyl, heteroarylalkenyl, heteroarylalkynyl, carbocycloalkyl, heterocycloalkyl, hydroxyalkyl, aminoalkyl, carboxyalkyl, nitro, amino, cyano, acylamido, hydroxy, thiol, acyloxy, azido, alkoxy, carboxy, methylenedioxy, carbonylamido or alkylthiol; or

(b) R_{10} and R_{11}, or R_{11} and R_{12}, taken together with the atoms to which they are attached form a fused portion of said optionally substituted C_{6-14} aryl, wherein said fused portion is optionally substituted.

(emphasis added). Thus R_{10} and R_{11} or R_{11} and R_{12} can never come together to form part of a heteroaryl or heterocyclic group. Applicants respectfully submit that the Examiner's objection has been rendered moot.

D. Summary

Applicants respectfully submit that all of the stated grounds for the rejection of claims 1, 5, 26, 30 and 79 under 35 U.S.C. § 112, first paragraph, have been overcome and the rejection should be withdrawn.

V. Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1, 5, 26, 27, 30, 32 and 79 (in part) under 35 U.S.C. § 112, second paragraph, as being indefinite. Office Action, page 8, lines 11-13. Applicants respectfully traverse these rejections.

A. Claims 1, 5, 26 and 79 (in part)

The Examiner is of the opinion that claims 1, 5, 26 and 79 (in part) are indefinite because "the phrase 'inflammation' is indefinite. It is unclear as to which inflammation diseases the applicant is referring to." Office Action, page 8, lines 14-15. Applicants respectfully disagree.

First, there is no statutory requirement that Applicants list each and every member of a genus within a claim.

Second, the meaning of "inflammation" is well known to those of ordinary skill in the art. *See, e.g., Steedman's Medical Dictionary, 27th Edition*, page 897, col. 1, line 28, through page 898, col. 1, line 8, Lippincott Williams & Wilkins (2000) (a copy of which is appended herewith in a Supplemental Information Disclosure Statement (IDS) as Document AT16). Furthermore, physicians regularly diagnose and treat "inflammation." *See, e.g.,* the listing for "Anti-inflammatory Agents" appearing in the "Product Category Index" of the *Physician's Desk Reference, 56th Edition*, Medical Economics Company, Inc., Montvale, New Jersey (2002) (hereinafter PDR), at page 206 (a copy of which is appended herewith

in a Supplemental IDS as Document AR17). Therefore, the term "inflammation" is *not* indefinite.

Third, the Examiner has provided no evidentiary support for an assertion that the phrase "inflammation" would *not* be readily understood by those of ordinary skill in the art at the time the invention was made. Therefore, the Examiner has *not* established a *prima facie* case that any of claims 1, 5, 26 and 79 is indefinite under 35 U.S.C. § 112, second paragraph.

For the reasons listed above, Applicants respectfully submit that claims 1, 5, 26 and 79 are *not* indefinite under 35 U.S.C. § 112, second paragraph.

B. Claim 27

The Examiner is of the opinion that claim 27 is indefinite because "the term 'cancer' is indefinite. What cancer is the applicant claiming?" Office Action, page 8, lines 16-17. Applicants respectfully disagree.

First, there is no statutory requirement that Applicants list each and every member of a genus within a claim.

Second, the meaning of the word "cancer" is well known to those of ordinary skill in the art. *See, e.g., Steedman's Medical Dictionary, 27th Edition*, page 276, col. 2, lines 57-63, Lippincott Williams & Wilkins (2000) (a copy of which is appended herewith in a Supplemental IDS as Document AS17). Furthermore, physicians routinely diagnose and treat cancer. *See, e.g.,* the listing for "Antineoplastics," PDR, page 206 (a copy of which is

appended herewith in a Supplemental IDS as Document AT17). Therefore, the term "cancer" is not indefinite.

Third, the Examiner has provided no evidentiary support for an assertion that the word "cancer" would *not* be readily understood by those of ordinary skill in the art at the time the invention was made. Therefore, the Examiner has *not* established a *prima facie* case that claim 27 is indefinite under 35 U.S.C. § 112, second paragraph.

For the reasons listed above, Applicants respectfully submit that claim 27 is *not* indefinite under 35 U.S.C. § 112, second paragraph.

C. Claim 32 and 33

The Examiner is of the opinion that claims 32 and 33 are indefinite because "the phrase[s] 'cancer chemotherapeutic agent' and 'pharmaceutically acceptable salt of said agent' are indefinite. What cancer chemotherapeutic agents are the applicant[s] claiming?" Office Action, page 8, lines 18- 21. Applicants respectfully disagree.

Claim 32 recites the phrase "at least one known cancer chemotherapeutic agent, or a pharmaceutically acceptable salt of said agent." First, there is no statutory requirement that Applicants list each and every member of a genus within a claim.

Second, the meaning of the phrase "[at least one known] cancer chemotherapeutic agent" is well known to those of ordinary skill in the art. *See, e.g.*, the listing for "Antineoplastics," PDR, page 206 (Document AT17). The meaning of the phrase "pharmaceutically acceptable salt" is well known to those of ordinary skill in the art and is also fully described in the specification (*see* page 44, line 25, through page 45, line 3).

Therefore, the phrases "[at least one known] cancer therapeutic agent" and "pharmaceutically acceptable salt of said agent" are not indefinite.

Third, the Examiner has provided no evidentiary support for an assertion that the phrases "[at least one known] cancer chemotherapeutic agent" and "pharmaceutically acceptable salt of said agent" would *not* be readily understood by those of ordinary skill in the art at the time the invention was made. Therefore, the Examiner has *not* established a *prima facie* case that claim 32 is indefinite under 35 U.S.C. § 112, second paragraph.

Claim 33 recites the phrase "wherein said known cancer therapeutic agent is selected from the group consisting of . . . ." Since claim 33 specifically lists the known cancer therapeutic agents that are within the meaning of the claim, claim 33 can not be indefinite in view of the phrase "[said known] cancer chemotherapeutic agent."

For the reasons listed above, Applicants respectfully submit that claims 32 and 33 are *not* indefinite under 35 U.S.C. § 112, second paragraph.

D. Claim 30

The Examiner is of the opinion that claim 30 is indefinite because "the phrase 'drug resistant cancer' is indefinite. What drug resistant cancers is the applicant claiming?" Office Action page 9, lines 1-2. Applicants respectfully disagree.

First, there is no statutory requirement that Applicants list each and every member of a genus within a claim.

Second, the meaning of the phrase "drug resistant cancer" (alternatively phrased as a "therapy-resistant cancer") is well known to those of ordinary skill in the art. A drug

resistant cancer is a cancer that can "escape the cytotoxic effect of [known] anticancer drugs." Norgaard, J.M., and Hokland, P., "Biology of multiple drug resistance in acute leukemia," *Int. J. Hematol. 72*:290-297 (October 2000) (*see* page 290, seventh sentence), *erratum 73*:132 (January 2001) (a copy of which is appended herewith in a Supplemental IDS as Document AT18). *See also,* Bode, A., and Dong, Z., "Apoptosis induction by arsenic: mechanisms of action and possible clinical applications for treating therapy-resistant cancers," *Drug Resist. Update 1*:21-29 (February 2000); Ding, Z., *et al.*, "Resistance to apoptosis is correlated with the reduced caspase-3 activation and enhanced expression of antiapoptotic proteins in human cervical multidrug-resistant cells," *Biochem. Biophyus. Res. Commun. 270*:415-420 (April 2000); (copies of which are appended herewith in a Supplemental IDS as Documents AR18 and AS18, respectively).

Third, the Examiner has provided no evidentiary support for an assertion that the phrase "drug resistant cancer" would *not* be readily understood by those of ordinary skill in the art at the time the invention was made. Therefore, the Examiner has *not* established a *prima facie* case that claim 30 is indefinite under 35 U.S.C. § 112, second paragraph.

For the reasons listed above, Applicants respectfully submit that claim 30 is *not* indefinite under 35 U.S.C. § 112, second paragraph.

E. Claim 64

The Examiner is of the opinion that claim 64 is indefinite because "the term 'cancer chemotherapeutic agent, or a pharmaceutically acceptable salt of said agent' is indefinite. What cancer chemotherapeutic agent or salt thereof is the applicant claiming?" Office Action, page 9, lines 3-5. Applicants respectfully disagree.

First, there is no statutory requirement that Applicants list each and every member of a genus within a claim.

Second, the full phrase appearing in claim 64 is "a known cancer chemotherapeutic agent, or a pharmaceutically acceptable salt of said agent." The meaning of the phrase "[a known] cancer chemotherapeutic agent" is well known to those of ordinary skill in the art. *See, e.g.,* the listing for "Antineoplastics," PDR, page 206 (Document AT17). The meaning of the phrase "a pharmaceutically acceptable salt" is well known to those of ordinary skill in the art and is also fully described in the specification (*see* page 44, line 25, through page 45, line 3). Therefore, phrase "[a known] cancer chemotherapeutic agent, or a pharmaceutically acceptable salt of said agent" is *not* indefinite.

Third, the Examiner has provided no evidentiary support for an assertion that the phrase "[a known] cancer chemotherapeutic agent, or a pharmaceutically acceptable salt of said agent" would *not* be readily understood by those of ordinary skill in the art at the time the invention was made. Therefore, the Examiner has *not* established a *prima facie* case that claim 64 is indefinite under 35 U.S.C. § 112, second paragraph.

For the reasons listed above, Applicants respectfully submit that claim 64 is *not* indefinite under 35 U.S.C. § 112, second paragraph.

F. Claim 65

The Examiner is of the opinion that claim 65 is indefinite because "the terms 'Herceptin®', and 'Rituxan®' are indefinite because they are trade names." Applicants respectfully disagree.

Contrary to the Examiner's assertion, Herceptin® and Rituxan® are registered trademarks and not trade names. The use of trademarks is specifically authorized in M.P.E.P. § 608.01(v). "[T]he use of trademarks having definite meanings is permissible in patent applications . . . ." M.P.E.P., page 600-84, col. 1, lines 32-33 (August 2001). The Examiner has not demonstrated that the trademarks for these FDA approved products have indefinite meanings. Therefore, the Examiner has not established a *prima facie* case for the assertion that claim 65 is indefinite under 35 U.S.C. § 112, second paragraph.

In the interest of advancing the prosecution of this application claim 65 has been amended to indicate that Herceptin® is a registered trademark for pharmaceutical preparation comprising trastuzumab and that Rituxan® is a registered trademark for a pharmaceutical preparation comprising rituximab. Applicants respectfully submit that claim 65 is not indefinite under 35 U.S.C. § 112, second paragraph.

G. Summary

Applicants respectfully submit that all of the stated grounds for the rejection of claims 1, 5, 26, 27, 30, 32 and 79 (in part) under 35 U.S.C. § 112, second paragraph, have been overcome; and the rejections should be withdrawn.

VI. Objections to Claims 32-38, 40, 41, 66-72, 76, 77, 82 and 83

The Examiner has objected to claims 32-38, 40, 41, 66-72, 76, 77, 82 and 83 "because they are based on a rejected claim and/or duplicates of another claim." Office action page 9, lines 8-9. Applicants respectfully disagree.

For the reasons given above, each of claims 32-38, 40, 41, 66-72, 76, 77, 82 and 83 is *not* based on a rejected claim and does *not* duplicate another claim. Therefore, Applicants respectfully submit that this objection has been overcome and should be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite

prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bruce E. Chalker

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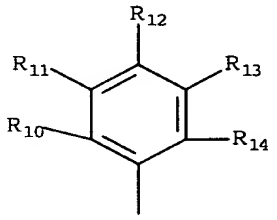
Version with markings to show changes made

In the Claims:

Claims 33, 53, 65, 79 and 80 have been amended as follows:

33. (Once amended) The method of claim 32, wherein said known cancer chemotherapeutic agent is selected from the group consisting of busulfan, cis-platin, mitomycin C, carboplatin, colchicine, vinblastine, paclitaxel, docetaxel, camptothecin, topotecan, doxorubicin, etoposide, 5-azacytidine, 5-fluorouracil, methotrexate, 5-fluoro-2'-deoxy-uridine, ara-C, hydroxyurea, thioguanine, melphalan, chlorambucil, cyclophosamide, ifosfamide, vincristine, mitoguazone, epirubicin, aclarubicin, bleomycin, mitoxantrone, elliptinium, fludarabine, octreotide, retinoic acid, tamoxifen, [Herceptin,] Herceptin® (trastuzumab), [Rituxan] Rituxan® (rituximab) and alanosine.

53. (Once amended) The pharmaceutical composition of claim 46 comprising said compound or a pharmaceutically acceptable salt or prodrug thereof, wherein [A] said optionally substituted C_{6-14} aryl is



and

(a) R_{10}-R_{14} are independently hydrogen, halo, haloalkyl, aryl, fused aryl, carbocyclic, a heterocyclic group, a heteroaryl group, C_{1-10} alkyl, alkenyl, alkynyl, arylalkyl, arylalkenyl, arylalkynyl, heteroarylalkyl, heteroarylalkenyl, heteroarylalkynyl, carbocycloalkyl, heterocycloalkyl, hydroxyalkyl, aminoalkyl, carboxyalkyl, nitro, amino, cyano, acylamido, hydroxy, thiol, acyloxy, azido, alkoxy, carboxy, methylenedioxy, carbonylamido or alkylthiol; or

(b) R_{10} and R_{11}, or R_{11} and R_{12}, taken together with the atoms to which they are attached form [an] a fused portion of said optionally substituted C_{6-14} aryl[, heteroaryl, optionally substituted carbocyclic or optionally substituted heterocyclic group], wherein said [group] fused portion is optionally substituted.

65. (Twice amended) The pharmaceutical composition of claim 64, wherein said known cancer chemotherapeutic agent is selected from the group consisting of busulfan, cis-platin, mitomycin C, carboplatin, colchicine, vinblastine, paclitaxel, docetaxel, camptothecin, topotecan, doxorubicin, etoposide, 5-azacytidine, 5-fluorouracil, methotrexate, 5-fluoro-2'-deoxy-uridine, ara-C, hydroxyurea, thioguanine, melphalan, chlorambucil, cyclophosamide, ifosfamide, vincristine, mitoguazone, epirubicin, aclarubicin, bleomycin, mitoxantrone, elliptinium, fludarabine, octreotide, retinoic acid, tamoxifen, Herceptin® (trastuzumab), Rituxan® (rituximab) and alanosine.

79. (Once amended) The method of claim 1, wherein said aryl is selected from the group consisting of phenyl, [napthyl] naphthyl, penanthrenyl, anthracenyl, indenyl, azulenyl, biphenyl, biphenylenyl and fluorenyl.

80. (Once amended) The pharmaceutical composition of claim 1, wherein said aryl is selected from the group consisting of phenyl, [napthyl] naphthyl, penanthrenyl, anthracenyl, indenyl, azulenyl, biphenyl, biphenylenyl and fluorenyl.

New claims 84-89 have been added.